



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

ROBERT DAVID SMITH, JR.,  
Plaintiff,

vs.

MELLISSA FORTNER,  
Defendant.

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 6:14-4856-MGL-JDA

---

---

ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING THIS ACTION WITHOUT PREJUDICE  
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS

---

---

This case was filed under 42 U.S.C. § 1983. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that this action be dismissed without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 15, 2015, and the Clerk of Court entered Plaintiff's objections on January 28, 2015. The Court has reviewed the objections, but finds them to be without merit. Therefore, it will enter judgment accordingly.

First, the Court overrules Plaintiff's objections because they are non-specific. There is not one single mention of the Report within the body of the objections. Further, Plaintiff's submission is nothing more than a hodge podge of conclusory statements and case citations. Suffice it to say that the Court agrees with the Magistrate Judge's discussion as to why this case should be dismissed, and it need not repeat the analysis here. Therefore, the Court will overrule Plaintiff's objections on that basis, as well.

As an aside, the Court notes that, in the caption to Plaintiff's objections, he names the United States as the defendant. Objections 1. He also states, verbatim, that he "brings this lawsuit against the state because my constitutional rights have been violate liberally construed, by false imprisonment in violation of my constitutional rights." *Id.* Even so, for the reasons stated by the Magistrate Judge in the Report, this case is subject to summary dismissal.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court that this action is **DISMISSED WITHOUT PREJUDICE** and without issuance and service of process.

**IT IS SO ORDERED.**

Signed this 30th day of June, 2015, in Columbia, South Carolina.

s/ Mary G. Lewis  
MARY G. LEWIS  
UNITED STATES DISTRICT JUDGE

\*\*\*\*\*

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.